

REMARKS

Please reconsider the claims in the application in view of the remarks below. In the present application, Claims 2-10, 19-20 and 23-24 remain pending. Claims 2, 4-5, 19 and 23 are independent.

Claim Rejection under 35 U.S.C. §102(b)

Claims 2-10, 19-20, 23-24 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,523,168 ("Arnold"). At the outset, applicant notes that Arnold's patent date is not more than one year from the effective filing date of the present application, and therefore, Arnold is not a proper reference under section 102(b). Specifically, Arnold's patent date is February 18, 2003 and the effective filing date of the present application is February 26, 2003. Thus the rejection of the claims based on Arnold under section 102(b) is not proper.

Nonetheless, applicant addresses the rejections as follows. To anticipate a claim under section 102, the reference must teach every element of the claim, that is, the cited reference must disclose an identical invention. See, MPEP §2131. Arnold does not disclose or suggest every element claimed in independent claim 2. For instance, Arnold does not disclose or suggest at least, "generating, as a substitute for each of a plurality of the append instructions ... a store code for storing data of an append character string ... into a buffer." Rather, the cited sections of Arnold disclose using a reusable temporary object for performing the append instructions. Arnold does not disclose or suggest, storing data into a buffer as a "substitute" for the append instructions. Instead, Arnold appears to execute the append instructions (see Arnold, Col. 10, line 50) themselves. Independent claims 4, 19 and 23 recite similar elements. Therefore, for at least the above reason, independent claims 2, 4, 19 and 23, and their respective dependent claims at least by virtue of dependency, are not anticipated by Arnold.

Further with respect to dependent claim 3, that claim also is not anticipated for the additional reason that Arnold does not disclose or suggest detecting as the append instruction, a combination of “an instruction to convert an immutable string variable in which a process of appending a character string is not allowed, into a mutable string variable in which a process of appending a character string is allowed; an instruction to append the appendant character string to the mutable string variable; and an instruction to convert the mutable string variable into the immutable string variable.” The Office Action cites the passages of Arnold that describe that its reusable temporary storage is mutable. While Arnold discloses that its reusable temporary storage is mutable, that is not to say that Arnold discloses detecting as the append instruction the combination of instructions as recited in claim 3. Therefore, for at least this additional reason, claim 3 is not anticipated by Arnold.

With respect to claim 5, the Office Action again cites the passages of Arnold that refer to using mutable object as its reusable temporary storage. The Office Action misunderstands the description. That passage plainly explains that the temporary storage it allocates is mutable. That passage does not anticipate claim 5, which recites, in part, “detecting a mutable-to-immutable conversion instruction to convert a mutable string variable in which a process of appending a character string is allowed, into an immutable string variable in which a process of appending a character string is not allowed ... detecting an immutable-to-mutable conversion instruction to convert the immutable string variable into the mutable string variable ... eliminating the immutable-to-mutable conversion instruction and for causing the mutable string variable to be used as the mutable string variable after the immutable-to-mutable conversion instruction, if an instruction to be executed between the mutable-to-immutable conversion instruction and the immutable-to-mutable conversion instruction does not modify a character

string stored in the mutable string variable, and if an instruction to be executed between the immutable-to-mutable conversion instruction and use of the mutable string variable does not modify any of the mutable string variable used as the source variable of the mutable-to-immutable conversion instruction and the mutable string variable.”

It appears that the Office Action is rejecting the claims that recite “mutable” or “immutable” terminology, solely based on the occurrence of the term “mutable object” in Arnold. Applicant notes, however, that Arnold use of that terminology is to explain that its temporary storage is a mutable object. For at least the above reason, claim 5 and its dependent claims are not anticipated by Arnold.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant’s attorney at (516) 742-4343.

Respectfully submitted,



Steven Fischman
Registration No.: 34,594

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, N.Y. 11530
(516) 742-4343

SF:EP/me/gc